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Adjustment date: 07/07/2008 CKHLOK
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02 FC:1252 -460.00 OP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Refund Ref:
07/07/2008 0030050063

Applicants: K. KATAYAMA et al

Application No.: 10/629,808

Credit Card Refund Total: \$460.00

Filed: July 30, 2003

Am Exp.: XXXXXXXXXXXX1040

For: SEMICONDUCTOR MEMORY DEVICE HAVING
FAULTY CELLS

Art Unit: 2827

Examiner: T. PHAN

CONF. 7915

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER
37 CFR §1.137 TO PERMIT THE FILING OF R53(b) APPLICATION IN A TIMELY
MANNER AND TO MAINTAIN APPLICATION CONTINUITY**

MS: PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 10, 2008

Sir:

Receipt is hereby acknowledged of the Notice of Abandonment mailed January 9, 2008 (copy attached), in the above-identified application. The Notice states that the above-identified application became abandoned for failure to file a timely response to a non-final Office Action, dated June 1, 2007, from the United States Patent and Trademark Office.

The undersigned attorney respectfully submits that in response to the non-final Office Action dated June 1, 2007, applicants chose to file a Rule 53(b) Continuation Application to preserve the rights of the invention on October 31, 2007. The undersigned attorney further submits that a Petition for Extension of Time (two months) in the above-identified case was inadvertently not filed to maintain continuity to permit the filing of the Rule 53(b) Continuation application as required, and that this failure was unintentional.

It is hereby stated by the undersigned that the entire delay in filing the required reply (i.e., the Petition for Extension of Time) and payment from the due

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date of the required payment until the filing of a grantable Petition under 37 CFR §1.137(b) was unintentional.

The referenced Rule 53(b) Continuation Application is currently a pending application, was published on March 6, 2008 and has not been assigned to an Examiner for examination on the merits as of this date.

Enclosed herewith please find the necessary fees: 1) Petition to Revive Unintentionally Abandoned Application fee of \$1,540.00 and 2) Petition for Extension of Time for two months to cover the period from the end of the shortened statutory period of September 11, 2007 to the date of filing the Rule 53(b) Continuation Application (October 31, 2007) of \$460.00. Also enclosed, please find a copy of the Official Filing Receipt (dated December 6, 2007) and a Transaction History page from USPTO PAIR database. It is noted that since this application was filed after June 8, 1995, no Terminal Disclaimer is required.

The undersigned attorney respectfully requests that this Petition be granted and that the application be reinstated for purposes of continuity regarding the filing of the Rule 53(b) Continuation Application on October 31, 2007.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of, either by telephone discussion or by personal interview, the Examiner is invited to contact applicants' undersigned attorney at the number indicated below.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 1487.36486CC6), and please credit any excess fees to such deposit account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP

GEM/dks

By /Gregory E. Montone/
Gregory E. Montone
Reg. No. 28, 141

Appendix: 1) Copy of Official Filing Receipt 2) Copy of USPTO PAIR Transaction History;
3) Copy of Notice of Abandonment.

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>07/03/08</u>		2 Serial/Patent # <u>10/629808</u>		
3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT	
<input type="checkbox"/> Filing			\$	
<input type="checkbox"/> Amendment			\$	
<input checked="" type="checkbox"/> Extension of Time	IFW	03/10/08	\$ 460.00	
<input type="checkbox"/> Notice of Appeal/Appeal			\$	
<input type="checkbox"/> Petition			\$	
<input type="checkbox"/> Issue			\$	
<input type="checkbox"/> Cert of Correction/Terminal Disc.			\$	
<input type="checkbox"/> Maintenance			\$	
<input type="checkbox"/> Assignment			\$	
<input type="checkbox"/> Other			\$	
		7 TOTAL AMOUNT OF REFUND		\$ 460.00
		8 TO BE REFUNDED BY:		
10 REASON:		Treasury Check		
<input type="checkbox"/> Overpayment		Credit Deposit A/C #:		
<input type="checkbox"/> Duplicate Payment		<div style="border: 1px solid black; display: inline-block; padding: 2px;"> <div style="display: flex; justify-content: space-between; width: 100%;"> 9 -- </div> <div style="display: flex; justify-content: space-between; width: 100%;"> X Credit Card </div> </div>		
<input checked="" type="checkbox"/> No Fee Due (Explanation):				
Extension of time not obtainable. Application abandoned.				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Nancy Johnson</u>		TITLE: <u>Sr. Petitions Attorney</u>		
SIGNATURE: <u><i>Nancy Johnson</i></u>		PHONE: <u>571-272-3219</u>		
OFFICE: <u>Office of Petitions</u>				

THIS SPACE RESERVED FOR FINANCE USE ONLY:				
APPROVED: <u><i>CKK</i></u>		DATE: <u>7/7/08</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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